

REMARKS

The present Amendment is in response to the Final Office Action having a mailing date of May 30, 2003. Claims 1-37 are pending in the present Application. Applicant has amended claims 1, 3, 7, 20, and 26. Applicant has also added claim 38. Consequently, claims 1-38 remain pending in the present Application.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

Applicant has amended claims 1, 7, 20 and 26 to recite that the tags or other information that alters the default(s) are provided separately from the communication which sets the defaults. Support for the amendment can be found in the specification, page 7, lines 5-15; page 8, lines 4 and 21-23; and page 11, lines 21-23. Similarly, Applicant has added independent claim 38 which recites that the user provides the images and information changing defaults in a second session that is separate from a first session in which the user is allowed to set the defaults. Support for the new claim can be found in the specification, page 7, lines 5-15; page 8, lines 4 and 21-23; and page 11, lines 21-23. Applicant has also amended claims 7 and 26 to recite that the information that changes the defaults is provided in tags for the image file(s). Support for the amendment can be found in the specification, page 8, lines 21-23. Applicant has also amended claim 1 to correct a minor informality. Applicant has also amended claim 3 to correct an informality. Applicant respectfully submits that the amendment to claim 3 does not narrow the scope of claim 3. Applicant also respectfully submits that no new matter is added.

In the above-identified Final Office Action, the Examiner objected to claims 1-19 for a number of informalities. In particular, the Examiner objected to an extra phrase “of the plurality.” The Examiner also objected to the claim 3 as being dependent upon itself. Applicant has amended claims 1 and 3 to correct the informalities objected to by the Examiner. Accordingly, Applicant respectfully submits that the Examiner’s objection to claims 1-19 has been addressed.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-37 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,459,511 (Haneda). The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 5,963,916 (Kaplan). The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 6,324,545 (Morag).

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-37 under 35 U.S.C. § 102 as being anticipated by Haneda.

Applicant respectfully traverses the Examiner’s rejection. Claims 1 and 7 and claims 20 and 26 recite methods and systems, respectively, for providing an album to a user. The method recited in claim 1 includes the steps of allowing the user to set defaults for the album and receiving images and information, if any, from the user. The information can alter one or more of the defaults. Claim 1 also recites that the receipt of such information can include receiving a tag stored in the image file(s) for a first portion of the images. The tag is for altering one or more of the defaults for the first portion of the images. Claim 1 also recites that the step of receiving the tag(s) is performed separately from the step of allowing the user to set the plurality of defaults. The method recited in claim 1 also alters the default if the user has provided such information, provides pages in the album using the (possibly altered) defaults, and allows the user access to the pages provided. Claim 20 recites an analogous system that includes a storage subsystem and a server.

Claim 20 also recites that the information that can alter the defaults includes a tag stored in image file(s) for a first portion of the plurality of images, that the tag is for altering the at least one default for the first portion of the plurality of images, and that the defaults are allowed to be set in a communication that is separate from the communication which provides the image file(s) containing the tag(s). Similarly, claims 7 and 26 recite a method and system in which the information altering defaults is provided separately from the defaults themselves.

Thus, using the methods and system recited in claims 1, 7, 20, and 26, a user is allowed to purchase and set the defaults for the album. Examples of the defaults that might be set by the user include the layout of (preferably) the entire the album (numbers of images per page) or the groupings of certain types of images. Specification, page 7, lines 5-6, and page 7, line 19-page 8, line 3. Later, the user can individually alter the defaults. Specification, page 8, lines 8-10. For example, the user might desire a particular image to occupy an entire page. Alternatively, the user might desire a particular image to be grouped in a different manner, or excluded from a group to which the image would otherwise correspond. Specification, page 8, line 16-page 9, line 2. Consequently, the user's ability to easily set up an album using defaults, then further customize the album using information for individual images, is facilitated. Specification, page 11, lines 14-16.

Haneda fails to teach or suggest the methods and systems in claims 1, 7, 20, and 26. Haneda describes a system in which a user provides film to a "laboratory" for processing, including formation of digital images. Haneda, col. 3, lines 10-30 and col. 19, lines 32-39. The user can also provide instructions including items such as the number of copies of each print and the size of each print. Haneda, col. 22, lines 49-56. However, the user provides these and other instructions on the film. Haneda, Fig. 24, items 3c, 3d, and 3d; col. 56-67. The film is converted to digital images through the use of a film reader. Haneda, col. 19, lines 40-47. After digitization, a label including a

bar code that represents the identification of the film is placed upon the developed film and, in some instances, the disk including the digitized images. Haneda, col. 19, lines 57-60. The disk includes an "album" which is defined as "a collection of image data obtained from one roll of photographic film." Haneda, col. 36, lines 25-26. Using a playback machine, the user can play various images on the disk and, when sound is added, play a slide show. Haneda, col. 36, lines 12-60. In addition, the user can provide the disk and order data to the laboratory for additional prints. Haneda, col. 20, lines 20-25 and 37-59.

Haneda fails to teach or suggest the combination of elements recited in claims 1, 7, 20, and 26. In particular, Haneda fails to teach or suggest a method or system in which information that changes defaults for the album is received from the user separately from the user setting the defaults. Applicant can find no indication in the cited portions of Haneda of separate communication between the user of the film and the lab in which the user specifies defaults. Instead, defaults and any other information relating to the film are apparently read from the film. Stated differently, the user apparently provides all of the information using a single communication. To the extent that Haneda teaches that information relating to the pictures is read from the film, Haneda teaches away from providing the defaults separately from the image file(s) containing the user information, if any, used in changing the defaults. Applicant also notes that Haneda may store tags or other information related to the images on a separate portion of the disk than the images themselves. However, it is the lab that controls the location and format of the disk. It is thus the lab which places the information in the separate portion of the disk. The user does not separately provide the information. Instead, as discussed above, all of the information relating to the album and images are apparently provided via the film which the user sends to the lab. Consequently, Haneda fails to teach or suggest the methods and systems recited in claims 1, 7, 20, and 26.

The teachings of Kaplan and Morag fail to alter this conclusion. Kaplan describes a system in which multimedia can be viewed and, if desired, purchased by a user. Kaplan, col. 15, lines 40-67. The cited portion of Kaplan makes no mention of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Morag describes a system in which digital images and instructions are provided. Morag, col. 7, line 15-58. Although Morag functions for its intended purpose, Applicant has found no mention in the cited portion of Morag of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Consequently, even if the teachings of Kaplan and/or Morag were added to the teachings of Kaplan, the combination would fail to teach or suggest the methods and systems recited in claims 1 and 7 and claims 20 and 26, respectively. Accordingly, Applicant respectfully submits that claims 1, 7, 20, and 26 are allowable over the cited references.

Claims 5-6 and 8-19 depend upon independent claim 1. Claims 24-25 and 27-37 depend upon independent claim 20. Consequently, the arguments herein apply with full force to claims 5-6, 8-19, 24-25 and 27-37. Accordingly, Applicant respectfully submits that claims 5-6, 8-19, 24-25 and 27-37 are allowable over the cited references.

The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Kaplan.

Applicant respectfully traverses the Examiner's rejection. Claims 2-3 and 21-22 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 2-3 and 21-22. Accordingly, Applicant respectfully submits that claims 2-3 and 21-22 are allowable over the cited references.

The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Morag.

Applicant respectfully traverses the Examiner's rejection. Claims 4 and 23 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 4 and 23. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

New claim 38 recites a method for providing a user with an album including a plurality of pages. The method recited in claim 38 includes the step of allowing the user to set a plurality of defaults for the plurality of pages in a first session. Claim 38 also recites the step of receiving from the user the information, if any, and a plurality of images captured using a digital imaging device. Claim 38 recites that the information is capable of altering at least one of the defaults for a first portion of the plurality of images and that the information and images are received from the user in a second session separate from the first session in which the user is allowed to set the plurality of defaults. Thus, the arguments herein apply with full force to claim 38. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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